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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,944	03/02/2004	Mary Ellen Zurko	IBM-008	2175
51835 7590 09/29/2008 IBM LOTUS & RATIONAL SW c/o GUERIN & RODRIGUEZ 5 MOUNT ROYAL AVENUE MOUNT ROYAL OFFICE PARK MARLBOROUGH, MA 01752				
EXAMINER				
POWERS, WILLIAM S				
ART UNIT		PAPER NUMBER		
2134				
MAIL DATE		DELIVERY MODE		
09/29/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/790,944

**Applicant(s)**

ZURKO ET AL.

**Examiner**

WILLIAM S. POWERS

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 23-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6 and 23-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7/2/2008 have been fully considered but they are not persuasive.
2. As to Applicant's argument that, "Baber's pattern does not specify an action to be performed on the malicious content if such content is found in the document" (Remarks, page 7, lines 3-5), the Examiner respectfully disagrees. Matching patterns are used to find and annotate portions of content that are potentially malicious, specifying an action to be taken, that is the annotated portions are further subjected to sanitation operations (an action) (Baber, at least col. 5, lines 30-65). For at least the reasons above, the rejection of the claims is maintained.
3. The newly added limitations are addressed below.

### ***Response to Amendment***

4. The Examiner has stated the below column and line numbers as examples. All columns and line numbers in the reference and the figures are relevant material and Applicant should be taken the entire reference into consideration upon the reply to this Office Action.
5. Claims 1, 5 and 6 have been amended.

6. Claims 7-22 have been cancelled.
7. Claims 23-30 have been added.
8. Claims 1-6 and 23-30 are pending.

### ***Claim Objections***

9. In light of the cancellation of claims 7 and 10, the previous objections to the claims have been rendered moot.

### ***Claim Rejections - 35 USC § 112***

10. In light of Applicant's amendments to claims 5 and 6, the 35 USC 112, 2<sup>nd</sup> paragraph rejections of claims 5 and 6 have been withdrawn.
11. In light of Applicant's cancellation of claims 7-10, 14, 18 and 22, the 35 USC 112, 2<sup>nd</sup> paragraph rejections of claims 7-10, 14, 18 and 22 have been rendered moot.
12. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
13. Claims 24-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 24-26, each of the claims contains the verb "may be" in the limitation. This is not a positive recitation of a method step and renders the claims indefinite because suggests the possibility of potentially harmful content being present at a certain level. Therefore, it is possible that the potentially harmful content could be present at any of the levels of tag, attribute or attribute value.

***Claim Rejections - 35 USC § 101***

14. In light of Applicant's cancellation of claims 7-22, the previous 35 USC 101 rejection of claims 7-22 have been rendered moot.

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

16. Claim 1-6 and 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,171,691 to Baber et al. (hereinafter Baber).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claim 1, Baber teaches:

- a. Providing one or more definitions of potentially harmful active content in an editable text file, each definition identifying potentially harmful active content and specifying an action to be performed on that potentially harmful active content if that potentially harmful active content is found in the document (matching patterns are used to annotate locations of potentially malicious code for further sanitation actions) (Baber, col. 5, lines 29-57).
- b. Comparing the document with each definition of potentially harmful active content in the editable text file to identify potentially harmful active content within

the document (matching patterns are used to annotate locations of potentially malicious code for further sanitation actions) (Baber, col. 5, lines 29-57).

c. Modifying the document to render harmless any identified potentially harmful active content before presenting the document to the computing device (sanitization of the document of potentially malicious code is detailed) (Baber, col.5, line 58-col. 6, line 29).

As to claim 2, Baber teaches syntactically examining the document and placing the document in a valid form before comparing the document with each definition (individual elements are examined and the data is parsed to detect malicious content) (Baber, col. 3, line 33-col. 4, line 16).

As to claim 3, Baber teaches transmitting the modified document to the computing device over a network after the potentially harmful active content is rendered harmless (forwarding sanitized document) (Baber, col. 4, lines 31-43).

As to claim 4, Baber teaches each definition is listed in the text file in a same language structure and schema as the document (document to be scanned is in the same language as the definitions) (Baber, col. 4, lines 17-43).

As to claim 5, Baber teaches mapping each definition in the text file into a same language and schema as the document (document to be scanned is in the same language as the definitions) (Baber, col. 4, lines 17-43).

As to claim 6, Baber teaches representing the document as a first document object model (DOM) tree and the text file as a second DOM tree (parsing and forming documents into DOM format) (Baber, col. 4, lines 17-43).

As to claim 23, Baber teaches the editable text file is an XML (extensible markup language) file (Baber, col. 4, lines 17-43).

As to claim 24, Baber teaches wherein one or more of the definitions of potentially harmful active content identify potentially harmful active content that may be present at a level of a tag in the document (the search of the location of the potentially malicious content is not restricted to any granular level of the document, so it is possible for the potentially malicious content to be at any level of the document) (Baber, col. 5, lines 29-57).

As to claim 25, Baber teaches wherein one or more of the definitions of potentially harmful active content identify potentially harmful active content that may be present at a level of an attribute in the document (the search of the location of the potentially malicious content is not restricted to any granular level of the



document, so it is possible for the potentially malicious content to be at any level of the document) (Baber, col. 5, lines 29-57).

As to claim 26, Baber teaches wherein one or more of the definitions of potentially harmful active content identify potentially harmful active content that may be present at a level of an attribute value in the document (the search of the location of the potentially malicious content is not restricted to any granular level of the document, so it is possible for the potentially malicious content to be at any level of the document) (Baber, col. 5, lines 29-57).

As to claim 27, Baber teaches wherein each definition is listed in the text file in a different language structure and different schema from the document (before the document is transformed the text file and document may have different language structure and different schema) (Baber, col. 4, lines 17-43).

As to claim 28, Baber teaches wherein the action specified by a given definition is to remove an attribute from the document (removing annotated elements to sanitize the document) (Baber, col. 5, line 58-col. 6, line 3).

As to claim 29, Baber teaches wherein the action specified by a given definition is to replace the identified potentially harmful active content in the document with active

content known to be harmless (viral elements of the malicious content are removed from the document) (Baber, col. 4, lines 2-4).

As to claim 30, Baber teaches wherein the action specified by a given definition is to remove a tag from the document (removing annotated elements to sanitize the document) (Baber, col. 5, line 58-col. 6, line 3).

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM S. POWERS whose telephone number is (571)272-8573. The examiner can normally be reached on m-f 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. S. P./  
Examiner, Art Unit 2134

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